

were significantly higher than they are now), enabling the telephone industry to capture and retain the benefits of those high rates.^{51/}

Forcing cable operators, faced with reduced rates, increased costs, and growing competition, to live within the confines of a regulatory scheme designed for monopoly utilities with a history of decades of a guaranteed rate of return will impede the growth and development of cable. Inevitably, the playing field will be unfairly tilted in favor of the industry for which this regulatory scheme was designed.^{52/} The public interest will be disserved as a result of cable's diminished role in the development of an advanced infrastructure. The Commission should reconsider the limitations in its price cap formula to encourage cable's growth and development and its full participation in the telecommunications marketplace.

^{51/} See Policy and Rules Concerning Rates for Dominant Carriers, Second Report and Order, 5 FCC Rcd. 6786, 6816 (1990) (using existing rates, with some adjustments, as the starting point for price cap regulation and declining to reduce existing rates, despite the

CONCLUSION

Consistent with the foregoing and for the reasons stated therein, the Commission should reconsider its Report and Order implementing the rate regulation provisions of the 1992 Cable Act.

Respectfully submitted,

CABLEVISION SYSTEMS CORPORATION

Of Counsel:

Robert S. Lemle
Senior Vice President and General Counsel
Cablevision Systems Corporation
One Media Crossways
Woodbury, NY 11797

Howard J. Symons / LBC
Howard J. Symons
Leslie B. Calandro
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004

CERTIFICATE OF SERVICE

I, Leslie B. Calandro, do hereby certify that copies of the foregoing Petition for Reconsideration of Cablevision Systems Corporation were served on the following by hand delivery this 21st day of June, 1993.


Leslie B. Calandro

Chairman James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, DC 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, DC 20554

Commissioner Ervin S. Duggan
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, DC 20554

Roy J. Stewart
Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

William H. Johnson
Deputy Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Alexandra Wilson
Special Assistant to Chief
Mass Media Bureau for Cable Television
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Robert M. Pepper
Chief, Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Room 822
Washington, DC 20554